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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/047,195 | 01/14/2002 | Moises E. Robinson | X-975 US | 5065 |

24309 7590 04/15/2008

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| ART UNIT | PAPER NUMBER |
|---|---|
| 2157 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 04/15/2008 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Applicant alleges " Claim 1 requires that the combination of two or more portions of a data packet is required to reduce the amount of data that is transmitted in the data transmission. Tong, however, teaches no such requirement. Instead, Tong transmits the same amount of data in each transmission and merely reduces the transmission rate so as to reduce the Eb/N0 that is required to achieve a certain bit error rate. (See FIG. 3 and the last sentence in paragraph [0047]).

Examiner respectfully disagrees because Tong discloses the data transmission rate is simply decreased for subsequent retransmissions of data and optionally a portion of the transmission block of the initial data packet is combined with that transmission block portion in later transmitted data packets. When turbo coding is employed, different Eb/No ratios are required to meet a certain BER for differing data rates. As noted in FIG. 3, the Eb/No required to achieve a certain BER will decrease with reduced rate retransmission. Furthermore, Tong combines the bits prior to transmission (see paragraph 0047). Furthermore, Tong discloses transmission block may also include parity bits in addition to data bits. If the transmission fails, the data is retransmitted in a second transmission (first retransmission) at a rate of one-half the first transmission rate. Of course, the rate of first retransmission may also be other than one-half the first transmission rate, but should be less than the first transmission rate to decrease the BER and thus the probability of a successful retransmission (see paragraph 0048).

/Salad Abdullahi/
Primary Examiner, Art Unit 2157
4/7/2008